

CLERK'S OFFICE U.S. DISTRICT COURT
AT ROANOKE VA. - FILED
FEB 04 2009
JOHN F. CORCORAN, CLERK
BY: *[Signature]* DEPUTY CLERK

Plaintiff,

V.

OFFICER ELDER, ET AL.,

Defendant(s).

Case No. 7:08CV00642

FINAL ORDER

By: Glen E. Conrad
United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that this civil rights action, pursuant to 42 U.S.C. § 1983, is hereby **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim, and is stricken from the active docket of the court.

ENTER: This 4th day of February, 2009.

John Connor

United States District Judge